


circumstances merit appointment of counsel. See Jenkins v. Woodard, 109 F.4th 242, 247–48 (4th Cir. 2024).

Section 1915 provides that courts shall review complaints filed by prisoners seeking leave to proceed in forma pauperis and dismiss such complaints when they are frivolous, malicious, fail to state a claim on which relief may be granted, or if they seek monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B)(i)-(ii). Here, plaintiff plausibly alleges defendants failed to provide adequate medical care in violation of the Eighth Amendment to the United States Constitution. See Phoenix v. Amonette, 95 F.4th 852, 859 (4th Cir. 2024). Plaintiff also may proceed with his related state law claims for medical malpractice or gross negligence, as alleged in both the amended and supplemental complaints. (DE 7, 11).

CONCLUSION

Based on the foregoing, this action is ALLOWED to proceed as to all claims in the amended and supplemental complaints. The clerk is DIRECTED to amend the docket to reflect that the operative pleading in this case is the complaint at docket entry 7 as supplemented by the supplemental complaint at docket entry 11-1. The clerk further is DIRECTED to proceed in accordance with Standing Order 14-SO-02, which governs service of process in this context. In the event it becomes necessary, the court DIRECTS the United States Marshals Service to proceed with service of process pursuant to 28 U.S.C. § 1915(d).

SO ORDERED, this the 26th day of November, 2024.



LOUISE W. FLANAGAN
United States District Judge